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DEC 4 1996

Federal Communications Commission
Office of Secretary

0480

December 4, 1996

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Amendment of the Commission's
Rules to Establish Part 27, the
Wireless Communications Service ("WCS")
GN Docket No. 96-228

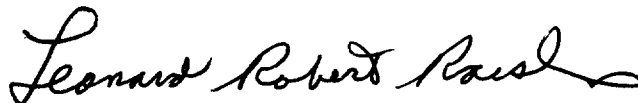
Dear Mr. Caton:

On behalf of Harris Corporation-Farion Division ("Harris"), we are filing an original and fourteen (14) copies of its Comments in the above-referenced proceeding.

If there are any questions, do not hesitate to contact the undersigned.

Respectfully submitted,

FLETCHER, HEALD & HILDRETH, P.L.C.



Leonard Robert Raish
Counsel for Harris Corporation-Farion
Division

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Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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DEC 4 1996

Federal Communications Commission
Office of Technology

In the Matter of)

Amendment of the Commission's Rules)
to Establish Part 27, the Wireless)
Communications Service ("WCS"))

GN Docket No. 96-228

**COMMENTS OF
HARRIS CORPORATION-FARINON DIVISION**

Harris Corporation - Farinon Division ("Harris"), through its attorneys, submits the Comments below on the above-cited Notice of Proposed Rulemaking ("NPRM"). In the Comments below, Harris supports the Comments being filed by the Fixed Point-to-Point Communications Section, Network Equipment Division and the Private Radio Section of the Mobile and Personal Communications Division of the Telecommunications Industry Association ("TIA"). Both elements of TIA oppose the Commission's proposal in this proceeding.

I. GENERAL

Harris is a Florida corporation with its headquarters located in Melbourne, Florida. Through its Farinon Division, located in San Carlos, California, Harris designs, develops and manufactures microwave and multiplex systems used by licensees in the terrestrial fixed microwave service. Harris is one of the largest suppliers of microwave equipment in the global market. As a leading manufacturer of equipment used in the terrestrial fixed services, Harris is interested in advancing the state-of-the-art in microwave technology and to maximize the efficient use of frequency bands made available for the microwave services.

**II. STABILITY IN SPECTRUM MANAGEMENT AND
STANDARDIZATION OF EQUIPMENT
CHARACTERISTICS ARE ESSENTIAL**

Section 303 of the Communications Act of 1934, as amended, specifically directs the Commission "as the public convenience, interest or necessity requires," to:

- (a) Classify radio stations;
- (b) Prescribe the nature of service to be rendered by each class of licensed stations and each station within any class;
- (c) Assign bands of frequency to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;
- (d) Determine the location of classes of stations or individual stations;
- (e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;
- (f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act; [and]
- (g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest. . .

The current telecommunications infrastructure of the United States was developed under these Rules. Taking into account the public interest, convenience, and necessity, manufacturers, service providers, and users benefitted from the stable spectrum management procedures established by the Commission pursuant to Section 303 cited above.

It is a matter of great concern to Harris-Farion as a manufacturer, and as TIA

has pointed out in its Comments, that under the Commission's proposal, successful bidders at an auction will be deciding how the spectrum will be used rather than the Commission. A scenario can develop therefrom whereby frequencies in one area will be used for fixed services but in surrounding areas fixed services will be on different frequencies and all shared with an intermixture of mobile, radiolocation, and DARS. Not only will there be critical operational compatibility problems but manufacturers are threatened by an inability to produce in scale. Costs to users and service providers would become very high. Harmony in spectrum allocations and technical characteristics are essential to efficient production and to keeping costs down to the public.

An additional major concern with the Commission's proposal to "delegate" spectrum management and the establishment of technical characteristics to successful bidders, is the competition scenario that could develop. Successful bidders will be operating in areas adjacent to each other or, if nationwide, in competition with each other. There will be little incentive to coordinate spectrum usage and technical plans in advance for competitive reasons.

The significant point is that the Commission should maintain its authority under Section 303 and not seek to delegate those legislated responsibilities to a third party, i.e., an auction winner. Stability in spectrum management and equipment standardization are essential to the public interest, convenience, and necessity. The Commission should execute this function pursuant to the Congressional mandate.

III. LEGALITY OF PROPOSED AUCTION PROCESS IS QUESTIONED

Harris supports strongly the views of TIA that the Commission's proposal would be an impermissible use of the auction process. As TIA points out, Congress authorized the Commission to conduct auctions for the limited purpose of issuing licenses where the principal use of the spectrum to be auctioned "will involve, or is reasonably likely to involve, the license receiving compensation from subscribers." As TIA further points out "the Commission may not base a finding of public interest, convenience, and necessity on the expectation of Federal revenues from the use of a system of competitive bidding . . ." 47 U.S.C. § 309(j)(1).

IV. INTERESTS OF PUBLIC SAFETY SERVICES SHOULD BE ACCORDED PRIORITY ATTENTION

The Public Safety Services are primary to the "public interest, convenience, and necessity" mandate given to the Commission by Congress. These Services rely very heavily on efficient and effective telecommunications in the good they provide to the American public. Harris is concerned that the Public Safety Services are not given a prominent, if not a priority, position in the NPRM. The Commission should re-think its proposal in order to provide substantive consideration for Public Safety Services requirements.

V. CONCLUSION

Noting the foregoing and in conclusion, Harris:

- (a) Strongly supports the Comments being filed by TIA in this proceeding.

- (b) Stability in spectrum management and standardization of equipment characteristics are essential; Both are threatened by the Commission's proposal.
- (c) Legality of the auction process as proposed is highly questionable.
- (d) Public Safety interests need to be accorded a much higher priority of attention.

Respectfully submitted

THE HARRIS CORPORATION - FARINON DIVISION

By: Leonard Robert Raish
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Its Attorney

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Date: December 4, 1996
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